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COMMISSION ON HUMAN RIGHTS

Fiftieth session

SUMMARY RECORD OF THE 17th MEETING

Held at the Palais des Nations, Geneva,
on Thursday, 10 February 1994, at 3 p.m.

Chairman: Mr. van WULFFTEN PALTHE (Netherlands)

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(a) Popular participation in its various forms as an important factor in development and in the full realization of all human rights

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The meeting was called to order at 3.10 p.m.

STATEMENT BY MR. DASKALOV, MINISTER FOR FOREIGN AFFAIRS OF BULGARIA

1. Mr. DASKALOV (Bulgaria) said that for 50 years the Commission on Human Rights had kept alive the hopes of millions of people for a world without violence, oppression and human suffering. Undoubtedly, the most important event in the field of human rights in 1993 had been the World Conference on Human Rights, which had confirmed the interrelationship, interdependence and inseparability of those rights. Bulgaria took the view that, following the World Conference, the most important task for all Member States of the United Nations was significantly to increase the effectiveness of United Nations monitoring mechanisms, as well as that of human rights treaty bodies. In that regard, it welcomed the creation of the post of a United Nations High Commissioner for Human Rights, who should, above all, be responsible for issuing an early warning of gross violations of human rights. His country also wished to pay tribute to the Centre for Human Rights and its Director for the clear and practical plan of action aimed at implementing the Vienna Declaration and Programme of Action.

2. The Commission's present anniversary session was marked by two historic events: the mutual recognition by the State of Israel and the Palestine Liberation Organization, accompanied by the signing of the Israeli-Palestinian Declaration on Principles of Interim Self-Government, and the successful completion of the multiparty negotiating process in South Africa. There too, emphasis should be placed on the substantial contribution made by the Commission in combating human rights violations in southern Africa and the Middle East.

3. Flagrant and massive violations of human rights were taking place in various parts of the world as a result of extreme nationalism, racial hatred, xenophobia, ethnic and religious intolerance and, in some cases, extremist fundamentalism. The international community also encountered practices that seriously threatened international peace and security, such as ethnic cleansing, illegal and arbitrary executions, torture and physical violence, inhuman and cruel treatment and involuntary disappearances, detention and persecution on religious, ethnic, political or other grounds. The tragic human rights situation in the territory of the former Yugoslavia was example enough. That lasting conflict was of great concern to Bulgaria for at least two reasons, namely, the conflict might spread to other regions, notably in the Balkans, and the system of maintenance of international peace and security would be seriously jeopardized if, as appeared to be the case, the conflict was accepted as a fait accompli and ethnic cleansing was tolerated. In that regard, Bulgaria drew the Commission's attention to the situation of the Bulgarian minority in the eastern part of Serbia.

4. The radical changes in the world in recent years strengthened existing achievements. The international community should adopt a critical, constructive and pragmatic approach to the quest for means of overcoming the problems it now faced for effective promotion of respect for human rights and fundamental freedoms.

5. Bulgaria, which had acceded to the European Convention for the Protection of Human Rights and Fundamental Freedoms and was a party to all major United Nations human rights conventions, reiterated its firm commitment to the cause of human rights and fundamental freedoms.

STATEMENT BY MR. PERES, MINISTER FOR FOREIGN AFFAIRS OF ISRAEL

6. Mr. PERES (Minister for Foreign Affairs of Israel) said that the negotiations he had recently conducted in Cairo with Mr. Arafat were a major event for human rights - those of the Israelis as well as those of the Palestinians. Israel had never been a dominating nation and refused to become one; respect for human rights meant, for Israel, refraining from dominating the Palestinians. Accordingly, the recent negotiations had not been the usual matter of give and take. Moreover, while the State of Israel had something to give, it had nothing to take. It had acted so as to make Israel what it wanted Israel to be in moral terms, rather than to gain political advantage. For the Palestinians, human rights meant being able to live as they wished, in freedom, prosperity and peace, and Israel sincerely wished them success in that endeavour.

7. The negotiations in Cairo had been unique. To begin with, they had not been conducted under the threat of war - terrorism was another problem and would in all likelihood take many a year to settle - and also they were the first of their kind and therefore constituted a precedent. The fact that all the initiatives taken were new, and in so many ways, explained why the process was so complex.

8. As to the substance of human rights, he thought that there were essentially three. The first was the right to live free from the possibility of war, both as a people and as an individual, safe from all fatal threats, which were obstacles to the free exercise of human rights. For that reason, efforts should be made to arrive at political solutions to military conflicts and not military solutions to political conflicts, and to put an end to violent reactions by eradicating the causes that produced them.

9. The second essential human right was to live in democracy. He was convinced that there was no room for human rights outside a democratic system, for without such a system those rights could not be exercised. Dictatorship was, moreover, extremely costly. It cost a great deal to fulfil the ambitions and pander to the whims of dictators, to their wish to subject each and everyone to their boundless ego and their blindness, their secret services, their censorship, their interference with privacy, their death squads. One need only think of all the rich countries that dictatorship had impoverished.

10. The third fundamental human right was the right to live in happiness and in good health. Science now made it possible to overcome sickness, aging, suffering and ignorance, and the purpose of democracy was to enable each and everyone to enjoy its benefits and fulfil himself freely.

11. As far as the Middle East was concerned, those three rights formed a whole. Peace could not prevail until the region cleaved to democracy, and economic growth would come only with peace and democracy. Peace was the first step that would free millions of people from suffering, from prison or the

threat of death. Admittedly, it did involve a risk, but Israel took that risk consciously, despite considerable difficulties, despite continued terrorism, despite being ignored, and even threatened, by some countries. While so many States were ready to take the risk of war and to jeopardize the lives of their citizens, Israel thought that the time had come to take the uncommon risk of making peace, holding to the view that the better its neighbours felt, the better they would behave towards it. No condition was imposed on any other country, no other country was called on to become a democracy, but Israel hoped that, in their own interest, they would give up the present forms of government and would stop maintaining, at immense cost and to the detriment of the civilian population, armies intended for display and for the cult of personality.

12. The principles governing international relations at the present time prohibited intervention in the affairs of other nations. However, it was his hope that from the information in the media young people throughout the world could compare their lives with those of young people in Israel, who lived as they wanted to. Communism had collapsed because information on freedom had spread like pure fresh air and no curtain, whether of iron or anything else, had been able to stop it. It must remain so everywhere and at all times.

13. Peoples living in peace and in freedom had greater chances in the economic field. The modern sources of a country's strength were not a matter of the country's size or the number of inhabitants. They were the result of education, science and equality, irrespective of age, sex, religion or race, and the means were within the grasp of all nations. In 25 years Israel had increased its agricultural output by a factor of 12, whereas its land and water resources remained the same. Israel, once described as the land of milk and honey, had now also become a land of electronic chips, more suitable than cows and bees for bringing an abundance of milk and honey. Investment in the peaceful activities of education, science and technology meant that a country, even a small one, could move ahead.

14. He went on to evoke the painful history of both the Israelis and the Palestinians, the memory of Mr. Holst, the Minister for Foreign Affairs of Norway, who had recently died and had so discreetly and so effectively helped to change the world, and the situation in Bosnia, where the clash of arms was still to be heard. He was convinced that Israel had made the right choice, a choice that would make it possible for everyone, without discrimination, to live, to live freely and to live prosperously in complete safety.

QUESTION OF THE REALIZATION IN ALL COUNTRIES OF THE ECONOMIC, SOCIAL AND CULTURAL RIGHTS CONTAINED IN THE UNIVERSAL DECLARATION OF HUMAN RIGHTS AND IN THE INTERNATIONAL COVENANT ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS, AND STUDY OF SPECIAL PROBLEMS WHICH THE DEVELOPING COUNTRIES FACE IN THEIR EFFORTS TO ACHIEVE THESE HUMAN RIGHTS, INCLUDING: PROBLEMS RELATED TO THE RIGHT TO ENJOY AN ADEQUATE STANDARD OF LIVING; FOREIGN DEBT, ECONOMIC ADJUSTMENT POLICIES AND THEIR EFFECTS ON THE FULL ENJOYMENT OF HUMAN RIGHTS AND, IN PARTICULAR, ON THE IMPLEMENTATION OF THE DECLARATION ON THE RIGHT TO DEVELOPMENT.

(a) POPULAR PARTICIPATION IN ITS VARIOUS FORMS AS AN IMPORTANT FACTOR IN DEVELOPMENT AND IN THE FULL REALIZATION OF ALL HUMAN RIGHTS (agenda item 7) (continued) (E/CN.4/1994/17, 18*, 19 and Add.1, 20; E/CN.4/1994/NGO/6; E/CN.4/1993/16; A/CONF.157/PC/73)

QUESTION OF THE REALIZATION OF THE RIGHT TO DEVELOPMENT (agenda item 8) (continued) (E/CN.4/1994/21 and Corr.1 and 2 and 99*)

STATUS OF THE INTERNATIONAL COVENANTS ON HUMAN RIGHTS (agenda item 15) (continued) (E/CN.4/1994/67 and 68; E/C.12/1993/3; CCPR/C/2/Rev.3)

EFFECTIVE FUNCTIONING OF BODIES ESTABLISHED PURSUANT TO UNITED NATIONS HUMAN RIGHTS INSTRUMENTS (agenda item 16) (continued) (A/CONF.157/TBB/4 and Add.1)

15. Mr. HASHIM (Bangladesh) said the international community was attaching much more importance to human rights issues now than when the Universal Declaration of Human Rights had been adopted. With the increase in the number of human rights instruments, there had been a concomitant increase in the treaty bodies created to monitor their implementation. In spite of resource constraints, Bangladesh was making all possible efforts to fulfil its treaty obligations, especially with regard to submitting periodic reports. It felt, however, that the reporting procedure needed to be simplified and streamlined so that State parties, especially those with limited resources, could live up to their obligations.

16. His country was conscious of one of the valid arguments for coordinating the activities of the various treaty bodies, namely, to promote the universality and indivisibility of human rights. Any mechanism for such coordination, however, should be devised in consultation with the States parties to the relevant instruments. Bangladesh was committed to promoting the effectiveness of the treaty-monitoring bodies but believed that that could best be achieved if the distinctive character of each body was maintained. It had therefore noted with surprise that, during the consideration of the fifth and sixth periodic reports it had submitted to the Committee on the Elimination of Racial Discrimination, some members of the Committee had dwelt at length on issues having no connection with the provisions of the Convention on the Elimination of All Forms of Racial Discrimination. Any attempts to broaden the scope of the Convention would only undermine the objective for which it had been established. As the principal organ of the United Nations dealing with human rights, the Commission had the responsibility to advise all treaty bodies to remain within their legal parameters. In so doing, it would facilitate the effective functioning of the treaty bodies and encourage States parties to fulfil their treaty obligations to the full.

17. Mr. TORELLA DI ROMAGNANO (Italy) said it was encouraging that more than two thirds of the States Members of the United Nations had ratified or acceded to the Covenants, but further attention should be given to efforts to promote universal ratification of the Covenants and of the Optional Protocols to the International Covenant on Civil and Political Rights. A new, integrated approach should be adopted, based on identification of the obstacles to adherence to international human rights instruments at both the national and international levels. To that end, efforts should be made to dispel misunderstandings regarding the purposes of international cooperation on human rights and to emphasize its positive aspects. The programme of advisory services should be strengthened in order to provide effective assistance in acceding to the Covenants for States that were not yet parties.

18. Another matter of concern was the increasing number of reservations to international human rights instruments. While it was legitimate to formulate reservations, their number and scope should be kept to a minimum. Italy welcomed the recent initiative by the Human Rights Committee to prepare a general comment on the issue of reservations and the recommendation adopted in 1992 by the Committee on the Elimination of Discrimination against Women (A/47/38).

19. His delegation reaffirmed its support for the draft third Optional Protocol to the International Covenant on Civil and Political Rights aimed at including the right to a fair trial and to judicial remedy among the non-derogable rights under article 4 of the Covenant. Nevertheless, Italy would have preferred unrestricted competence to monitor the implementation of the Protocol to be conferred on the Human Rights Committee.

20. The increased number of human rights treaties and monitoring bodies imposed a heavier workload on States parties, particularly as far as their reporting obligations were concerned, and raised the question of coordination among the treaty bodies themselves. Italy believed that, in conformity with the recommendations made by the World Conference on Human Rights, urgent efforts must be made to explore the option for States parties to a number of instruments to draw up a single report covering all of their treaty obligations, which would minimize the need for repetition and continuous updating. Other coordination measures should also be envisaged and the advisory services of the Centre for Human Rights strengthened in order to enable States that encountered special difficulties in submitting their reports to comply with their reporting obligations in a timely fashion.

21. Mr. GARRETON (Chile) said the Vienna Declaration and Plan of Action recommended that the universal ratification of human rights instruments adopted within the framework of the United Nations system be encouraged and facilitated. Two problems arose in that connection. The first was that of reservations: there was a relatively larger number of reservations to human rights instruments than to other multilateral treaties. The purpose of reservations was to enable a State to accede to a treaty despite possible divergences between its domestic law and the instrument in question. On the other hand, the purpose of international human rights legislation was to impose obligations upon States, notwithstanding the applicable provisions of

their domestic legislation. Consequently, the reservations acceptable under classical international law had to be limited in the sphere of international humanitarian law.

22. Reservations of a general nature dealt not with the specific provisions of a treaty but covered the treaty as a whole. Such reservations were intended to subordinate the implementation of a treaty to a national constitution, a religion or to "traditional values", and accordingly, as a number of writers had pointed out, amounted to the negation of a State's consent to hold itself bound by a treaty. The European Convention on Human Rights, it should be noted, prohibited reservations of a general nature.

23. In the past 20 years, States had started to make more frequent use of their right to object to reservations formulated by other States. Such objections had primarily a symbolic function, consisting in denouncing a situation that was abnormal from the standpoint of protection of human rights and fundamental freedoms. If the objections were numerous, however, they could bring pressure to bear on the State that had formulated the reservations and induce it to withdraw them. Rules should be elaborated for reservations to human rights treaties in order to prevent them from proliferating. One possible course, increasingly chosen by the Inter-American Court of Human Rights, was to take the position that certain fundamental rights could not be the subject of reservations and constituted authentic rules of jus cogens. The World Conference on Human Rights had encouraged States to consider limiting the extent of any reservations they lodged to international human rights instruments, to formulate any such reservations as precisely and narrowly as possible, to ensure that none was incompatible with the object and purpose of the relevant treaty and regularly to review any reservations with a view to withdrawing them. The Vienna Declaration, however, did not refer to the elaboration of a mechanism for considering the admissibility of reservations. His delegation believed that that function should be given to independent bodies that were able to act with total objectivity. Such a course would be feasible for the human rights treaties for which monitoring bodies had been set up. Moreover, when new treaties were drafted, careful consideration should be given to the possibility of stipulating that the body set up under the treaty could directly request an advisory opinion from the International Court of Justice on any reservation that did not seem to it to be necessarily compatible with the treaty's object and purpose.

24. As to the issue of succession of States in respect of treaties on human rights, the virtually absolute principle of international law whereby treaties neither imposed obligations upon nor granted rights to third parties had been rendered more flexible during the twentieth century, as legal doctrine had come to recognize that some treaties, such as those on communications or mutual assistance, could set up "objective regimes", or regimes creating conditions that were binding even on States not parties to a treaty. Yet since legal doctrine had so far been primarily concerned with the boundaries and borders of States, rather than with the interests of the subjects of law, it had not addressed the question of whether human rights treaties could be invoked against third States. The interests of subjects of law were taken into account only in the provision in the Vienna Convention on the Law of Treaties covering the termination or suspension of application of a treaty.

25. The rule thus being that of tabula rasa in respect of succession, except where borders were concerned, was a successor State entirely free to make decisions concerning treaties that protected human rights? The answer was no. Such treaties applied permanently to individuals residing in the territories of new States or of successor States, for a number of reasons. First, because of the specific nature of the treaties aimed at protecting human rights and fundamental freedoms, which were directed not at the individual interests of the contracting parties but at their common interests, namely those of mankind as a whole; second, because an individual under the protection of such treaties, which were intended to be universal in scope, could not have such protection withdrawn by the simple dismemberment of the State in which he or she lived; and finally, because a substantial core of human rights rules could be characterized as erga omnes in nature. Consequently, human rights treaties could be transferred together with the territory of a State, thereby creating an objective legal regime.

26. Mr. VALENCIA RODRIGUES (Independent Expert on the right to property), submitting his completed final report (E/CN.4/1994/19) on the right of everyone to own property alone as well as in association with others, drew attention to document E/CN.4/1994/19/Add.1, in which the Netherlands had dealt with some aspects of the issue that had not been covered, or insufficiently covered, in the report. He went on to invite the Commission to look carefully at the final chapter of the report containing his conclusions and recommendations. Since the right to property was, by its very nature, one of the most important that the Committee on Economic, Social and Cultural Rights had to consider, he was convinced that the Commission would find a way of implementing the recommendations it thought were worth acting on. The recommendation on the right to adequate housing seemed particularly important, for what good was assistance to poverty-stricken groups in achieving a certain level of material security if those groups did not have a roof over their heads? He believed it was necessary to lay particular stress on the adoption of measures to fulfil that fundamental human aspiration. Yet it was an area in which measures at the national level alone did not suffice, as had been amply demonstrated. The various treaty bodies for the promotion and implementaion of human rights should become involved and should adopt measures to promote the right to property. The work of the Centre for Human Rights, as the body responsible for coordinating such measures, would be of crucial importance, and he therefore welcomed the strengthening of the Centre.

27. Mr. AKHUND (Pakistan) said that since the adoption of the Declaration by the General Assembly in 1986 the right to development had become widely recognized, yet the idea that chronic poverty and social backwardness were virtually inevitable had become a commonplace. That gap between rhetoric and reality must be filled. The Vienna Declaration, adopted in June 1993, indicated the action to be taken, both by individual countries and by the international community united in cooperation. As long as poverty existed there was no point in hoping to achieve the exercise of human rights, in particular political, social and cultural rights.

28. Unfortunately, the facts and the figures showed that development was slowing down in many developing countries at the very time they were trying to rationalize their development priorities and reestablish their economic policies and practices. They still needed to abandon their centralized

approach and try to make their citizens into agents of progress with regard to education, health care, environmental protection, and so on. Such a transition, when made too abruptly, was painful, since it brought with it upheavals affecting real human beings in very concrete ways. Accordingly, the countries which had taken that route must have the benefit of a favourable international climate and generous assistance from developed countries and international financial institutions. Cooperation would make for world development by removing the deliberately imposed barriers to trade and technology transfers and by reducing the great disparity in the wealth of countries. Such cooperation was necessary in several areas.

29. First, a battle must be waged against the poverty responsible for the vicious circle of underdevelopment and for a situation in which a large number of people became a paralysing burden on society. The developing countries must therefore be helped to formulate effective policies and projects designed to eradicate poverty, for they did not always have well-defined strategies for that purpose, and to mobilize the resources that would enable them to carry out the projects within a reasonable time frame. It was necessary to devise a world plan to eliminate poverty in the developing countries and reduce unemployment in the developed countries.

30. Second, the debt burden weighed too heavily on the developing countries. There was currently a net transfer of financial resources from the developing to the developed nations. That abberation must be corrected and economic balance restored in the world.

31. Third, development was held back by the protectionist barriers with which the industrialized countries set up around themselves even though the current doctrine was free trade. Such protectionism was due to the persistence of unemployment in the developed countries, which was itself due largely to the economic imbalance in a world divided into rich and poor countries. The barriers had not solved the problem, but they did hinder the economic growth of the developing countries.

32. Fourth, the reforms and restructuring associated with the aid granted by countries and international bodies and the strict application of the laws of the market economy had hurt social services, caused widespread unemployment and weakened the most disadvantaged groups.

33. Fifth, there was now an urgent need to reconsider the role of the international financial institutions such as IMF and the World Bank in order to adapt their activities better to the vital needs of the developing countries.

34. Lastly, it must be acknowledged that there were no rights without duties. The developing countries themselves did not have sufficient resources for their development, in two important areas at least: they had not always wished or been able to control their population growth and they had assigned too large a part of their budgets to military expenditure. Those were two characteristic features of the situation of the countries of the Asian subcontinent. But the dialogue between rich and poor was a dialogue of the

deaf. Admittedly, in the end every country was responsible for its own destiny, but it must not be forgotten that everyone's fate depended more than ever before on the fate of others.

35. Mr. NOWAK (Austria) welcomed the fact that the Vienna Declaration and Programme of Action had offered a constructive affirmation of the link between human rights and development. The eighth United Nations Conference on Trade and Development (UNCTAD) had laid the foundations of a new partnership for development. The World Conference on Human Rights had recommended the establishment within the United Nations system of a comprehensive programme to help States to build and strengthen national structures which would have a direct effect on the general observance of human rights and the maintenance of the rule of law. The programme should be coordinated by the Centre for Human Rights and the recently appointed High Commissioner for Human Rights. The World Conference had also affirmed that the full realization of human rights could only be achieved by effective international cooperation and solidarity, and it must therefore be hoped that such a spirit of cooperation would prevail in the Working Group on the Right to Development established by the Commission.

36. The Vienna Declaration and Programme of Action identified extreme poverty as a major obstacle to the effective enjoyment of all human rights. That problem needed to be tackled as a matter of priority as part of the work of Mr. Leandro Despouy, the reappointed Special Rapporteur of the Sub-Commission.

37. One of the problems encountered in the monitoring of economic, social and cultural rights was the lack of reliable and meaningful indicators. While clear indicators and a rich body of case-law on violations of civil and political rights under international law were available, nothing similar was available on the failure of States to fulfil their obligations as far as economic, social and cultural rights were concerned. The reason might be that the obligations imposed on States under article 2 of the International Covenant on Economic, Social and Cultural Rights were weaker than the ones imposed under article 2 of the International Covenant on Civil and Political Rights. Obligations of conduct were of course more difficult to assess than obligations of result. Another explaration might be the reluctance of the experts and the human rights monitoring bodies to use development indicators for fear of ending up with a minimum-threshold approach. The time might have come to provide the Committee on Economic, Social and Cultural Rights with a clearer mandate to assess the compliance of States parties with their obligations; in that connection the World Conference had proposed the establishment of complaints or communication procedures through optional protocols to the Covenant on Economic, Social and Cultural Rights.

38. Lastly, there was a need for an integrated approach to ensure the promotion and protection of human rights, including the incorporation of those matters in peace-keeping and peacemaking activities, and to strengthen development cooperation. It was for the Commission to take the necessary measures to implement the Vienna Declaration and Programme of Action.

39. Mr. GWAM (Nigeria) welcomed the fact that the global community had accepted the interconnection between civil and political rights and economic, social and cultural rights. Since development was a prior condition for the

full enjoyment of those rights, Nigeria was glad that the World Conference had declared by consensus that the right to development was an integral part of fundamental human rights and that the human person was the central subject of development. In the Vienna Declaration and Programme of Action, the global community had encouraged States to cooperate to eliminate all the obstacles to the realization of the right to development. Although national development was primarily the responsibility of States and their citizens, it could not flourish in an unfavourable international environment.

40. Like other developing countries, Nigeria faced serious difficulties in satisfying the basic needs of its people. One of the most serious difficulties was the debt burden, which now amounted to nearly US$ 30 billion. About 52 per cent of the 1993 annual budget had been allocated to debt service, to the detriment of the basic social services which were crucial to the realization of the right to development. The situation was compounded by the fall in the price of oil, Nigeria's main foreign exchange earner. Furthermore, the transboundary movement of toxic wastes threatened the right to a life in dignity. In that connection, it was good that the World Conference had committed all States to cooperate in preventing the illicit dumping of toxic and hazardous wastes.

41. As to the report of the Working Group on the Right to Development, he endorsed the Group's view that the Bretton Woods institutions should use the Vienna Declaration and Programme of Action as a starting point when drawing up their programmes. The Working Group was also right to say that the Declaration on the Right to Development was not sufficiently well known. His delegation therefore requested the Commission to mandate the Secretary-General to publicize the Declaration as widely as possible and ensure that seminars and conferences on the right to development were held in States parties and among the academic community, so that the concept of development would be further defined and better understood. In accordance with the Working Group's request, the Secretary-General should be asked to provide the Centre for Human Rights with a unit specifically designated to monitor the implementation of the Declaration and provide logistical support to the Working Group.

42. His delegation wanted all international institutions to be encouraged to base their activities on the Vienna Declaration. To that end, the United Nations Centre on Transnational Corporations should be urged to take the development function into account. That suggestion had already been made by the Secretary-General in 1991 in document E/CN.4/1992/10. The establishment of a code of conduct for transnational corporations would help to maximize the benefits of foreign investment. All the specialized agencies of the United Nations and non-governmental organizations should be mobilized to make a contribution to the realization of the right to development.

43. Lastly, with the ending of East-West rivalry, the main dividing line in today's world was extreme poverty. That obstacle to freedom showed how far the world was removed from a just and equitable international economic order. Nothing must be overlooked in the collective war on poverty waged to enable people to live in dignity.

44. Mr. BOUCAOURIS (Observer for Greece), speaking on behalf of the European Union, said that in 1993 his Danish colleague had described the increasing understanding in the United Nations of the links between human rights, democracy and development. He outlined the main points of the Vienna Declaration and Programme of Action and said that now it was for the international community to undertake the implementation of the recommendations and commitments agreed upon in Vienna.

45. It was important to keep up the momentum generated by the World Conference. The European Union certainly intended to remain an active partner. Valuable contributions would no doubt also be made by the International Conference on Population and Development in Cairo later in the year, the World Summit for Social Development, in Copenhagen in 1995, and the Fourth World Conference on Women, in Beijing, in 1995.

46. Democracy and development depended greatly on respect for the rule of law. The international community must continue to promote and sustain the rule of law and respect for human rights. The principles of the separation of powers, the subordination of military forces to civil authority, and the independence and impartiality of the judiciary, were the basis of good governance.

47. The resolution on human rights, democracy and development adopted by the Council of Ministers of the European Community in November 1991 reflected the importance the European Union attached to the inter-linkage of those three principles in its cooperation with other countries. They had formed the cornerstone of the Lomé Conventions, for example. The European Union, in consultation with its partners in developing countries, had established cooperation based on human rights and democratization. Such cooperation was bilateral but could also take a multilateral form in association with United Nations and other organizations. Since the holding of free and fair elections was a prior condition for any democratic process, the European Union had cooperated over the years with a growing number of countries in strengthening their electoral processes. It was also supporting institutional reforms in some countries by helping with the drafting of legislation and the training of personnel in the judicial system. Its programmes were also designed to strengthen the role of citizens in public affairs and support the development of a free press. In addition, it endeavoured to ensure that persons belonging to particularly vulnerable groups found their place in society.

48. The European Union had noted with satisfaction that the question of the right to development had been the subject of consensus both in Vienna in 1993 and at the latest session of the General Assembly. The Commission on Human Rights must continue its deliberations on the right to development, guided by the efforts of the Working Group, whose report highlighted important matters such as the concept of popular participation in the decision-making process, and the study of the obstacles to the realization of the right to development. That aspect of the work must be continued and must enjoy the benefit of contributions from non-governmental organizations and United Nations development agencies.

49. Mrs. PEREZ (Brazil) said that questions relating to the status of the international covenants on human rights and the functioning of the treaty bodies acquired special significance following the World Conference on Human Rights and the creation of a post of High Commissioner for Human Rights. Brazil believed that universal ratification, by the year 2000, of the six core treaties - the two Covenants, the International Convention on the Elimination of All Forms of Racial Discrimination, the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, the Convention on the Rights of the Child, and the Convention on the Elimination of All Forms of Discrimination against Women - was a goal for which all should strive. The High Commissioner for Human Rights would be able to play an important role in that regard.

50. The monitoring of the implementation by States of international conventions to which they were parties should be viewed as a means of promoting a constructive dialogue with States and of identifying their difficulties. It should also make for an expanded role by the intergovernmental organizations, specialized agencies and international financing institutions.

51. Her delegation favoured a broad-ranging discussion of the role of the treaty bodies with a view to improving the effectiveness of the existing system; in that discussion, a number of issues should be addressed. First, consideration should be given to ways of implementing the recommendations set forth in paragraph 87 of the Vienna Declaration, including the suggestion that States should submit one overall report on treaty obligations they had undertaken. Such a procedure would streamline the system of reporting and would afford a solution to the problems of costs and delays. Secondly, attention should be paid to the difficulties developing countries encountered in fulfilling their obligations under the existing reporting system. The assistance that the advisory services of the Centre for Human Rights could provide was not always adequate. In Brazil, for example, the difficulties were due to the vast size of the country and the decentralized administration, and some countries were handicapped by lack of human and material resources. Furthermore, there should be a discussion of the way in which the treaty bodies interpreted their mandates under the international conventions. The independent nature of the treaty bodies should be preserved, but the experts must abide by the rules set forth in the relevant instruments and should not try to broaden their mandates without consultation with States parties. Treaty bodies had a certain tendency to reinterpret and broaden their mandates nowadays. If that tendency went unchecked it could jeopardize the mutual trust and cooperation that should govern relations between States and treaty bodies.

52. Her delegation was making those proposals in a constructive spirit and with a view to contributing to the increased coordination and global approach which the World Conference on Human Rights had advocated.

53. Mr. HALINEN (Finland), speaking on behalf of the five Nordic countries, on agenda items 7 and 8, said it was important not to forget that the right to development was not only an economic and social right. The 1986 Declaration on the Right to Development established the basic fact that the human person was the central subject of development. True development required that

individuals and groups should claim their rights and take an active part in the decision-making and development processes in their own countries. In that connection, it was particularly important to guarantee the participation of women, minorities and vulnerable groups in economic and social life. Responsibility for promoting the right to development was incumbent, in the first instance, on Governments. Recognition of the economic and social rights was not enough, of course, to solve the economic and social problems, but it did serve to highlight the individual as the centre of economic and social development. Individual freedom and dignity presupposed a real possibility of defending one's rights and of taking part in the decision-taking process. The right to a fair trial, for instance, entailed schemes for free legal aid, to enable all members of society to benefit from the rule of law. In that connection, the proposal concerning the development of individual complaint procedures for certain economic and social rights in the context of an optional protocol to the International Covenant on Economic, Social and Cultural Rights warranted careful attention. For economic and social development to be sustainable, it must rest on the foundation of democracy and the rule of law, since all rights were closely interlinked. In a democratic, pluralist society, better results could often be achieved if the State allowed civil society to play its proper role.

54. The Nordic countries welcomed the efforts undertaken in various forums to develop indicators that would allow for a better assessment of the progress made towards the enjoyment of economic, social and cultural rights. The cooperation between Governments and international organizations, which was essential for the implementation of the right to development, should be encouraged, in a spirit of understanding and dialogue. The Working Group on the Right to Development, on which the hopes of the Commission in that area rested, had started its work at a propitious moment and its preliminary report provided a good starting point for continuing the discussion. The Nordic countries looked forward to further dialogue and cooperation between the Working Group and Governments, international organizations and the human rights treaty bodies. The question of the right to development would provide a useful channel for ensuring that the human rights dimension was taken into account in policies on development and development cooperation.

55. The World Conference had shed new light on the relationship between human rights, democracy and development. Although the conceptual elaboration of that relationship still had to be defined, it was encouraging to note that many speakers had already underlined the importance of a comprehensive and integrated approach to human rights. The Nordic countries were ready to play an active part in the Commission's work to that end.

56. Mrs. BAUTISTA (Observer for the Philippines) expressed her delegation's support for the proposals made by previous speakers, under agenda items 15 and 16, concerning the reduction in the burden that the submission of periodic reports entailed for States parties to human rights instruments. That applied in particular to small countries like the Philippines which had acceded to almost all those instruments but had great difficulty in complying with such an obligation.

57. With regard to agenda items 7 and 8, following the return to democracy the Philippines had given priority to the promotion of stable and sustainable

economic development. As President Ramos had stated at the end of his first year in office, all efforts were directed at improving the lives of the people. The Government had launched a broad programme called "Philippines 2000", the objective of which was economic recovery and people empowerment. The main purpose of the peace process now under way in the Philippines was to eliminate the roots of internal conflict and thus alleviate poverty. The Government was endeavouring by peaceful means to bring to the negotiating table all the opposition forces, since reconciliation and unity were preconditions for economic growth and social justice. In particular, it had decided to wage a relentless campaign against crime and corruption with a view to ensuring internal peace and security and, to that end, had taken steps to improve the administration of justice. Major programmes had also been drawn up for human resource development and social welfare for workers, as well as housing programmes for low-income households in order to eliminate slums. In that connection, her delegation noted with satisfaction that paragraph 396 of the report on the right of everyone to own property (E/CN.4/1994/19) recognized that. "It is only in the Philippines that recent constitutional law and current policies appear to be based on principles (that) ... embrace the concept of territorial rights for indigenous minorities". She would add that the Philippines had even gone so far as to create autonomous regions where indigenous minorities were assured a say in their future. In addition, the Government had undertaken several programmes for the promotion of health, education and cultural development as part of its overall Philippines 2000 programme.

58. All such efforts were designed to provide Filipinos with the means of exercising their right to development and they had started to bear fruit in 1993, a year which had seen a reduction in insurgency activities and an improvement in the economic and industrial situation. The time had now come for all Filipinos to work together to continue to promote the peace and stability that were essential for economic growth and social well-being and, therefore, for the realization of economic, social and cultural rights based on strengthened civil and political rights. It should likewise be noted that non-governmental organizations participated in the realization of all the development programmes. Lastly, her delegation trusted that the efforts of the Philippines to enhance the people's enjoyment of the right to development would find support in the international community.

59. Mgr. TABET (Observer for the Holy See) said that the development of the human person in all its aspects was a constant concern of the Holy See. For that reason, it laid stress on the need to associate social progress with economic development so as to enable all individuals to achieve their full potential as human beings. The globalization of the economy and trade, the spread of market economies, technological transformations and industrial conversion had all undoubtedly beneficial effects, but they also posed new social problems that led to the marginalization of whole groups of countries and broad sectors of society. Thus, in the countries of eastern Europe, the social repercussions of the economic reforms had not been sufficiently taken into account and had engendered massive poverty and a deterioration in the health situation, housing and working conditions. Even the developed countries were affected by growing unemployment and underemployment, which swelled the numbers of the poor.

60. The international community had become aware of the situation and must now come up with solutions. That would be the task, in particular, of the 1995 World Summit for Social Development. In that regard, he commended the attempts made by the International Labour Organization (ILO), in the context of its 75th Anniversary, to rediscover the values of social justice in an emerging global economy; it was important that human beings should also be central to the policies pursued by international institutions such as the International Monetary Fund (IMF), the World Bank and the General Agreement on Tariffs and Trade (GATT), and all the major regional organizations. Yet States too must ensure that all their citizens were able to realize their full potential and live in the dignity to which they were entitled, and they must thus ensure that human beings remained central to all their objectives.

61. Such attention to the human factor was indispensable in seeking solutions to the problem of employment, for every individual must be afforded the opportunity to participate in the life and building of a society, and to reap tangible benefits from it. Marginalization, exclusion and abandonment of the jobless were thus unacceptable. Likewise, it was not possible to come to terms with the massive poverty that existed in the underdeveloped countries, and even in affluent societies. While certainly necessary, economic growth was not enough. National and international bodies must consider the question of participation by all - even, and especially, the poorest - in the search for those solutions. His delegation thus welcomed the fact that the Special Rapporteur on the question of human rights and extreme poverty had proposed involving representatives of the poorest sections of society in the preparation of his study. However, no realistic solution could be found without solidarity and cooperation at all levels of society to arrange for a fair and equitable sharing of goods and material and human resources and know-how. That imperative was based on acknowledgement of the fact that all human beings belonged to the human family, and of the concomitant duty and right of all human beings to contribute to its development; for, as His Holiness Pope John-Paul II had stated in his encyclical Sollicitudo Rei Socialis, "every people has the same right to take its place at the banquet table".

62. The interdependence of the world economy must not be used as a pretext for allowing the law of the strongest to prevail. It was not right that a single sector of humanity should be fated to pay the price of interdependence. The earth belonged to humankind as a whole, and the exploitation of its resources was a joint responsibility that could be assumed only with criteria of social justice. The Commission on Human Rights bore a heavy responsibility in that regard. It must determine, in the complex context of the modern world, the ways and means for international institutions and States to create the most favourable conditions for the realization of rights without which millions of persons would be unable to live as human beings deserved to live. The whole future of society was at stake.

63. Mr. MEGHLAOUI (Observer for Algeria) said that agenda item 7, which dealt with effective enjoyment of economic, social and cultural rights, was very detailed in wording, whereas the feature of agenda item 8 was its brevity. Indeed, the right to development was the most belatedly - and perhaps the most cautiously - recognized of all human rights. It had first been necessary to wait for the adoption by the General Assembly of the Declaration on the Right

to Development in 1986, followed seven years later by the reaffirmation by the World Conference on Human Rights that that right was a universal and inalienable right and an integral part of fundamental human rights. It was important to draw attention to the slow pace of progress in considering the right to development and implementing it, given the extremely rapid progress made in other areas of human rights at both the conceptual and the institutional levels.

64. It was impossible to overemphasize the interdependence of all human rights, which admitted of no hierarchy. Certainly the right to development was an extremely complex question, but it was also an extremely important one for the future of peoples, nations and individuals. To ignore the needs of the human person was to nourish despair, and ultimately, revolt. In the present interdependent world, development was contingent on endogenous and exogenous factors. The fact of the matter was, however, that the efforts and sacrifices made by the developing countries that had embarked on economic reforms had not been properly assessed. Those countries had not received the understanding and encouragement they had expected from their partners, and found that they were in an extremely difficult situation which jeopardized their social peace and stability. Yet economic reforms must also always be accompanied by measures to alleviate the inevitable social consequences, which chiefly affected the most vulnerable sectors of the population. That was particularly true in the case of countries that had simultaneously embarked on economic and political reforms, for it was well known that development and democracy went hand in hand.

65. In conclusion, his delegation congratulated the Working Group on the Right to Development on its excellent work, and urged it to consider the question in greater depth, on the basis of the guidelines provided by the Vienna Declaration. He assured the Working Group of his delegation's full collaboration in accomplishing its task.

66. Mr. ABOUTAHIR (Observer for Morocco) said that the recognition by the World Conference on Human Rights, in Vienna in 1993, of the right to development as a universal and inalienable right and an integral part of fundamental human rights, marked an important advance which removed any doubt as to the scope of that right and in a sense constituted the first phase in the implementation of the principles of the Declaration on the Right to Development. The debate on that question took on a special character, for it coincided with an attempt by the international community to adopt a new approach to the concepts of development and international cooperation, and its members were becoming aware of the need to establish a new partnership for development. The opportunity should be seized to strengthen the legitimacy of the cause of development and to focus attention on the roles and responsibilities of the various agents in realizing the rights related to that cause.

67. While responsibility for civil and political rights fell to the State, which was their guarantor, the enjoyment and exercise of economic and social rights, and still more the right to development, went beyond the individual responsibility of States. The role of the international community was crucial if human rights, democracy and development were to be promoted at the same time. The many obstacles to the development process, and thus to realization

of the right to development in many regions, were aggravated by the increasing globalization of the world economy, which threatened to marginalize countries with vulnerable economic structures. Clearly, the maintenance of the present unjust international economic order was directly linked to the spread of poverty, the proliferation of social evils and the phenomenon of migration. The fight against poverty must thus be the international community's priority objective: for poverty had an adverse effect on the enjoyment of all rights and also posed a threat to democracy and to all values associated with human rights.

68. His delegation wished to congratulate the Working Group on the quality of its report, notwithstanding the difficulties it had encountered on account of the inadequate information received on obstacles to the realization of the right to development, and it supported the conclusions and recommendations contained in the report. Among other things, the idea of creating a mechanism responsible for monitoring implementation of the right to development was very interesting, for such an exercise would entail defining the respective responsibilities and obligations of all those involved in realization of that right. Lastly, his delegation noted with pleasure that the mandate of the Working Group fell, as the Group itself had stressed, within the framework of a new partnership for development. It encouraged the Group to continue its work so as to elaborate measures that would make it possible to eliminate the obstacles to implementation of the Declaration on the Right to Development.

69. Mr. BARAHONA (Observer for Honduras) highlighted the fact that Honduras had once again shown proof of its deep-seated commitment to democracy at the latest presidential elections. Like all the countries of Central America, it was currently endeavouring to correct the errors of the past in order to guarantee Honduran citizens a better future and to make the twenty-first century the century of human freedom.

70. Respect for human rights was the very foundation of social peace. Internal legislation and the constitution guaranteed every citizen effective participation in all aspects of development, the right to equal opportunities, and to equitable facilities for access to resources, a fair division of the benefits of development and respect for all rights. How was respect for the right to development guaranteed in practice? That right, which was defined in article 1 of the Declaration on the Right to Development, as an inalienable right that could not be subjected to any restriction or derogation, had long been flouted at the national level, by governments themselves, and, at the international level, by the very institutions whose task it was to promote development. Those institutions had imposed a heavy burden on the countries that they were supposed to aid and that they had instead brought low.

71. The mandate of the Commission on Human Rights meant that the Commission should act as a link between those countries and the bodies which in one way or another were involved in the economic and social development of peoples, and that it should adopt resolutions providing for effective measures to ensure viable development in those countries in response to the aspirations of

their populations. The structural adjustment programmes that had been applied in those countries at the request of the international financial institutions had not had the expected results and had merely widened the gulf between rich and poor. It was time to put an end to that system and to promote that "development with a human face" called for and described by the new President of the Republic of Honduras in his inaugural address - some highlights of which he (Mr. Barahona) went on to cite. He concluded by expressing the hope that the Commission's debates on the question of the right to development would have the results hoped for by all those countries in which that right had not yet been realized.

The meeting rose at 6.05 p.m.